

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

Case No. 5:13-CV-227-D

**AMERICAN FAMILY HOME
INSURANCE COMPANY,**

Plaintiff,

v.

**CHADAYA HICKS, ESTATE OF
BRIANA L. GATHER by and through her
Administratrix, RENATA LEONARD,
BERNADETTE CARTER, as
Administratrix of the ESTATE OF
VICTORIA CARTER,**

Defendants.

**ORDER OF DEFAULT
DECLARATORY JUDGMENT
AGAINST DEFENDANT HICKS**

THIS MATTER before the Court on the Motion for Default Judgment filed by Plaintiff American Family Home Insurance Company ("AFHIC") against Defendant Chadaya Hicks ("Hicks"). The Court, having reviewed AFHIC's Motion for Default Declaratory Judgment [D.E. 19] and memorandum of law in support of the same [D.E. 20] and the pleadings and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED as follows:

1. Default was entered against Defendant. Hicks on July 19, 2013. [D.E. 17] Accordingly, all the facts and allegations in the Complaint for Declaratory Judgment are admitted by Hicks.

2. The insurance policy with Policy No. 070 004 673 2120 issued by AFHIC to Defendant Hicks' parents ("Policy") provides no coverage for Defendant. Hicks for the claims and damages asserted against her in the two separate lawsuits filed in Nash County (North Carolina) Superior Court, styled *Estate of Briana Gather by and through her Administratrix*,

Renata Leonard v. Delta Sigma Theta Sorority; Delta Sigma Theta Sorority, Inc; Delta Sigma Theta Sorority, Incorporated; Kappa Sigma Chapter of Delta Sigma Theta Sorority, Inc; Greenville (NC) Alumnae Chapter of Delta Sigma Theta Sorority, Inc; Linda R. Wilson; Chadaya Hicks[;] Tiffany Lea[;] Ebony D. Graham[;] Danielle S. Dance; Charis N. Tucker; Phelicia S. Price; Angelica L. Jones[;] Ashley L. Fairley[;] Courtney S. Grissom[;] Kiandrea U. Abanukam[;] Melissa N. Daniels[;] Jasmine C. Gorham[;] Erin S. McLean[;] Alisha D. Dowdy[;] Ashley D. Bailey[;] Chela Elise Smith[;] Evelyn R. Huey[;] Ashley B Glover[;] Chanay R. Smith[;] Chastity N. Darrough[;] Jalisa L. Trotter[;] Kayneynia J. Burney[;] Kendra V. Moore[;] Brittany Yvonne Simmons[;] Kamil S. Arrington[;] Antonio R. Battle[;] and Kendria A. Battle; Case No. 12 CVS 1579 (the “Gather Lawsuit”) and Bernadette Carter, as Administratrix of the Estate of Victoria Carter v. Delta Sigma Theta Sorority, Inc., Kappa Sigma Chapter of Delta Sigma Theta Sorority, Chadaya Hicks, Tiffany L. Lea, Ebony D. Graham, Angelica L. Jones, Ashley L. Fairley, Courtney S. Grissom, Kiandrea U. Abanukam, Melissa N. Daniels, Jasmine C. Gorham, Erin S. McLean, Alisha D. Dowdy, Ashley D. Bailey, Chela Elise Smith, Evelyn R. Huey, Ashley B Glover, Chanay R. Smith, Chastity N. Darrough, Jalisa L. Trotter, Kayneynia J. Burney, Kendra V. Moore, Danielle S. Dance, Charis N. Tucker, Phelicia S. Price, Linda R. Wilson, Kamil S. Arrington, Antonio R. Battle, and Kendria A. Battle, Case No. 11 CVS 2002 (the “Carter Lawsuit”), for the reasons asserted in AFHIC’s Complaint for Declaratory Judgment.


3. AFHIC has no duty to defend Defendant Hicks in the Gather Lawsuit.
4. AFHIC has no duty to defend Defendant Hicks in the Carter Lawsuit.
5. AFHIC has no duty to indemnify Defendant Hicks for any settlement or judgment for damages arising out of the Gather Lawsuit.

6. AFHIC has no duty to indemnify Defendant Hicks for any settlement or judgment for damages arising out of the Carter Lawsuit.

7. AFHIC may withdraw from the defense of Defendant Hicks against the claims and damages asserted against her in the Gather Lawsuit.

8. AFHIC may withdraw from the defense of Defendant Hicks against the claims and damages asserted against her in the Carter Lawsuit.

DONE AND ORDERED this the 16 day of September 2013.


JAMES C. DEVER III
CHIEF UNITED STATES DISTRICT JUDGE